

FORM PTO-1390

OFFICE  
(Modified)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK

ATTORNEY'S DOCKET NUMBER

32860-000902/US

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**NEW APPLICATION**

EXPRESS MAIL LABEL NO.

**107540208**

INTERNATIONAL APPLICATION NO.

**PCT/DE2003/004137**

INTERNATIONAL FILING DATE

**December 15, 2003**

PRIORITY DATE CLAIMED

**December 19, 2002**

TITLE OF INVENTION

BIOCHIP

APPLICANT(S) FOR DO/EO/US

Walter GUMBRECHT and Manfred STANZEL

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39 (1).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau). **WO 2004/057335 A1**
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is transmitted herewith.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4)
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98-1449, International Search Report (PCT/ISA/210), International Preliminary Examination Report (PCT/IPEA/409 & PCT/IPEA/416), PTO Form 1449 w/ Nine (9) References and German Translation Aid
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☒ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
  - 1) Formal Drawings (3 Sheets)

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO		ATTORNEY'S DOCKET NUMBER													
104540208		PCT/DE2003/004137		32860-000902/US													
21. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS      PTO USE ONLY													
<b>PCT FEES – NATIONAL STAGE:</b>  <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; font-weight: normal;">Fee Code</th> <th style="text-align: left; font-weight: normal;">Description</th> <th style="text-align: left; font-weight: normal;">Fee</th> </tr> </thead> <tbody> <tr> <td>1631</td> <td>Basic National Stage Fee.....</td> <td>\$300.00</td> </tr> <tr> <td>1632</td> <td>National Stage Search Fee.....</td> <td>\$500.00</td> </tr> <tr> <td>1633</td> <td>National Stage Examination Fee.....</td> <td>\$200.00</td> </tr> </tbody> </table>				Fee Code	Description	Fee	1631	Basic National Stage Fee.....	\$300.00	1632	National Stage Search Fee.....	\$500.00	1633	National Stage Examination Fee.....	\$200.00		
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1631	Basic National Stage Fee.....	\$300.00															
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1633	National Stage Examination Fee.....	\$200.00															
<b>ENTER APPROPRIATE FEE AMOUNT =</b>																	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(e)).																	
				\$	1000.00												
				\$	130.00												
PAGES	PAGES FILED	EXTRA PAGES FILED IN 50 PAGE SEGMENTS	RATE														
Total Pages	14 - 100 =	0	X 250.00	\$	0.00												
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE														
Total Claims	20 - 20 =	14	X \$50.00	\$	0.00												
Independent Claims	1 - 3 =	0	X \$200.00	\$	0.00												
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	0.00												
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	1130.00												
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$													
<b>SUBTOTAL =</b>				\$	1130.00												
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(f)).				\$													
<b>TOTAL NATIONAL FEE =</b>				\$	1130.00												
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	0.00												
<b>TOTAL FEES ENCLOSED =</b>				\$	1130.00												
				Amount to be: refunded	\$												
				charged	\$												
a. <input checked="" type="checkbox"/> A check in the amount of <b>\$1130.00</b> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account. No. 08-0750 in the amount of \$            to cover the above fees. A triplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>08-0750</u> .																	
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>																	
Send all correspondence to: <b>Harness, Dickey &amp; Pierce, P.L.C – Customer No. 30596</b> <b>Post Office Box 8910</b> <b>Reston, Virginia 20195</b>																	
<b>Date: June 20, 2005</b>			By <u>Donald J. Daley</u> Reg. No. 34,313														
DJD/smk																	